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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,784

04/09/2004

Rupert Vielhaber

22895

9351

535

7590

03/10/2005

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EXAMINER

FIGUEROA, FELIX O

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,784

Applicant(s)

VIELHABER ET AL.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☒ Claim(s) 11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-10) in the reply filed on January 13, 2005 is acknowledged. The traversal is on the ground(s) that Applicant is not certain that the outer conducting sleeve (as claimed) cannot be formed by molding. This is not found persuasive because the outer conducting sleeve does not require any structural feature that would prevent the use of molding.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

The drawings are objected to because they have elements shown in cross section which are not properly crosshatched. Insulating members shown in cross section should be properly crosshatched. See for example insulator 3. It is brought to applicant's attention that the conventional crosshatch for insulating members shown in cross section consist of lines of two different thicknesses alternatively disposed.



Correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outward bulges around the at least two rings, as required by claim 5, must be shown or the feature(s) canceled from the claim(s). Please note that the drawing show only one of the rings being surrounded by one of the bulges. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 9 is objected to because of the following informalities: In claim 9 line 2, it appears that "cup shaped formations" should be "recess". Please note that while the specification disclose a recess 23 for receiving the spring ring 22, it does not mention cup shaped formations. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

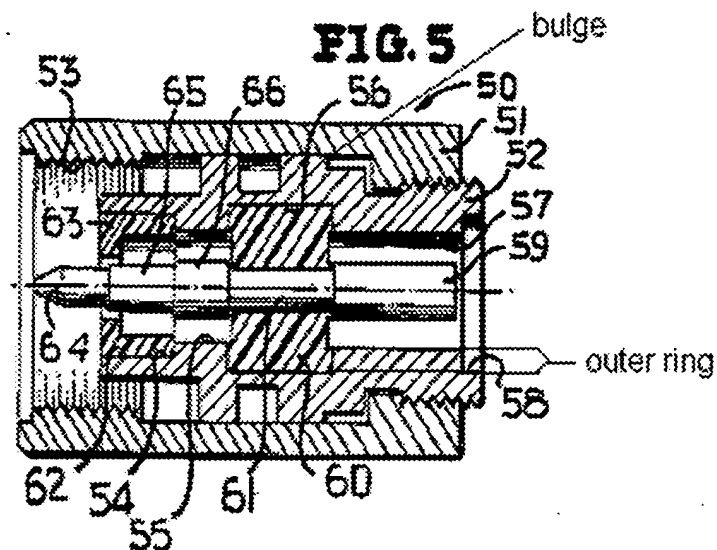
Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Banning (US 4,431,255).

Banning discloses a plug (Fig.5) for a coaxial cable adapted to be received in a coupler (Fig.4), the plug comprising: a contact pin (59); an insulator (60) coaxially surrounding the contact pin and defining an annular space therewith; and an outer conductive sleeve (52) surrounding the insulator and lying against an outer surface thereof. It is noted that the claim describes a process of manufacturing (i.e. bent into a sleeve shape from a stamped, punched or cut blank of plastically deformable sheet metal) which is incidental to the claim apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation.

Consequently, absent a showing of a structural difference between the claim product and the prior art, the subject by process claim limitation is afforded little patentable weight (see MPEP 2113).

Regarding claims 2 and 3, Banning discloses the outer conductive sleeve formed with at least one outwardly extending ring-shaped bulge (see following figure). Please note that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. Please note that the claim does not present any structural difference from the prior art.

Regarding claim 4, Banning discloses the insulator formed with at least one outer ring (see following figure), and the bulge being formed against the ring and shaped thereby.



Regarding claim 7, Banning discloses the outer conductive sleeve being rolled (i.e. surrounding) against the insulator.

Claims 1-4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Karlovich (US 5,037,328).

Karlovich discloses a plug (Fig.1) for a coaxial cable adapted to be received in a coupler (not shown), the plug comprising: a contact pin (40); an insulator (26) coaxially surrounding the contact pin and defining an annular apace therewith; and an outer conductive sleeve (30) surrounding the insulator and lying against an outer surface thereof. It is noted that the claim describes a process of manufacturing (i.e. bent into a sleeve shape from a stamped, punched or cut blank of plastically deformable sheet metal) which is incidental to the claim apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation.

Consequently, absent a showing of a structural difference between the claim product

and the prior art, the subject by process claim limitation is afforded little patentable weight (see MPEP 2113).

Regarding claims 2 and 3, Karlovich discloses the outer conductive sleeve formed with at least one outwardly extending ring-shaped bulge (106). It is noted that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. Please note that the claim does not present any structural difference from the prior art.

Regarding claim 4, Karlovich discloses the insulator formed with at least one outer ring (front portion of 26), and the bulge being formed against the ring and shaped thereby.

Regarding claim 7, Karlovich discloses the outer conductive sleeve being rolled (i.e. surrounding) against the insulator.

Regarding claim 10, Karlovich discloses the outer conductive sleeve received in a support body (32,34) and retained therein by a locking member (not labeled in Fig.1) engageable behind a bulge (106) in the outer conductive sleeve.

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Forney, Jr. et al. (US 4,441,781).

Forney discloses a plug (Fig.1) for a coaxial cable adapted to be received in a coupler (76), the plug comprising: a contact pin (20); an insulator (18) coaxially surrounding the contact pin and defining an annular apace therewith; and an outer conductive sleeve (14) surrounding the insulator and lying against an outer surface thereof. It is noted that the claim describes a process of manufacturing (i.e. bent into a

Art Unit: 2833

sleeve shape from a stamped, punched or cut blank of plastically deformable sheet metal) which is incidental to the claim apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation.

Consequently, absent a showing of a structural difference between the claim product and the prior art, the subject by process claim limitation is afforded little patentable weight (see MPEP 2113).

Regarding claim 8, Forney discloses the outer conductive sleeve surrounded by a spring ring (24) along a portion of the insulator forming a sleeve space outwardly from the pin.

Regarding claim 9, Forney discloses the outer conductive sleeve having cup shaped formations / recess (66) retaining the ring.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by McGee et al. (US 2,557,130).

McGee discloses a plug (Fig.2) for a coaxial cable adapted to be received in a coupler (Fig.1), the plug comprising: a contact pin (108); an insulator (110) coaxially surrounding the contact pin and defining an annular apace therewith; and an outer conductive sleeve (101) surrounding the insulator and lying against an outer surface thereof. It is noted that the claim describes a process of manufacturing (i.e. bent into a sleeve shape from a stamped, punched or cut blank of plastically deformable sheet metal) which is incidental to the claim apparatus. It is well established that a claimed apparatus cannot be distinguished over the prior art by a process limitation.

Consequently, absent a showing of a structural difference between the claim product

Art Unit: 2833

and the prior art, the subject by process claim limitation is afforded little patentable weight (see MPEP 2113).

Regarding claims 2 and 3, McGee discloses the outer conductive sleeve formed with at least one outwardly extending ring-shaped bulge (105). It is noted that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has been given little patentable weight. Please note that the claim does not present any structural difference from the prior art.

Regarding claim 4, McGee discloses the insulator formed with at least one outer ring (under 105), and the bulge being formed against the ring and shaped thereby.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGee et al. in view of Krause et al. (US 6,776,655).

McGee discloses substantially the claimed invention except for the multiple outer rings and bulges. Krause teaches the use of multiple bulges (22,24,26) to improve positioning and arresting of the plug (10) within a housing (30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the number of rings and bulges of McGee in order to improve positioning and arresting of the insulator within the outer sleeve and the plug within a housing, and

Art Unit: 2833

since it has been held that mere duplication of parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lester (US 5,957,724) and De Saint Pierre (US 3,652,758) disclose insulators with outer rings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2833

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr

A handwritten signature in black ink, appearing to read "John O. J. Jr.", followed by a horizontal line.